

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

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|-----------------------------------|-------------------------------------|
| CORDAREAU NICARIO JACKSON, |) |
| |) |
| Petitioner, |) |
| |) |
| v. |) Case No. 22-CV-363-RAW-GLJ |
| |) |
| CHRIS ELLIOTT, |) |
| |) |
| Respondent. |) |

OPINION AND ORDER

Petitioner Cordareau Nicario Jackson filed two essentially identical habeas corpus petitions in Case No. 22-CV-321-RAW-GLJ and Case No. 22-CV-363-RAW-JAR. As discussed below, the second case must be dismissed as duplicative of the first case.

Case No. 22-CV-321-RAW-GLJ

On November 9, 2022, Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 in the United States District Court for the Northern District of Oklahoma in Case No. 22-CV-492-GKF-CDL. Petitioner was challenging his pretrial detention at the Wagoner County Detention Center for criminal proceedings in Wagoner County District Court Case No. CF-2021-0130. On November 14, 2022, the petition was construed as arising under 28 U.S.C. § 2241, and the case was transferred to the Eastern District of Oklahoma, where it was renumbered to Case No. 22-CV-321-RAW-GLJ. *See* Case No. 22-CV-321-RAW- GLJ at Dkt. 3.

Petitioner raised two grounds for habeas relief: (1) violation of due process based on his allegedly being held without arraignment, a conference, preliminary hearing, discovery, or a speedy trial. (Dkt. 1 at 5, 16). The second claim was that he had not seen his attorney, and his attorney was inadequate. *Id.* at 7. On September 12, 2023, Case No. 22-CV-321-RAW-GLJ was dismissed, and

a certificate of appealability was denied. (Dkt. 16).

Case No. 22-CV-363-RAW-JAR

On December 14, 2022, Petitioner filed a second § 2241 petition for a writ of habeas corpus in Eastern District Case No. 22-CV-363-RAW-JAR, again challenging his detention in the Wagoner County Jail for Wagoner County District Court Case No. CF-2021-0130. *See* Case No. 22-CV-363-RAW-JAR, Dkt. 1 at 3. He raised the same claims for habeas corpus relief as were set forth in the first case. *Id.* at 8-9.

Duplicate Habeas Corpus Cases

It is clear from the Court's review of both cases that the habeas petition in Case No. 22-CV-363-RAW-JAR is essentially a duplicate of the petition in Case No. 22-CV-321-RAW-GLJ. In such circumstances, it is the policy of this Court to close the case with the higher case number.

ACCORDINGLY, Case No. 22-CV-363-RAW-JAR is DISMISSED.

IT IS SO ORDERED this 29th day of February, 2024.



HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE